

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BAR'S PRODUCTS, INC.,

Plaintiff,

Case No. 10-14321

v.

HONORABLE DENISE PAGE HOOD

BAR'S PRODUCTS INTERNATIONAL,  
LTD., BARS, INC., BARS, INC., and  
ARTHUR OMOTO,

Defendants.

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BAR'S PRODUCTS INTERNATIONAL,  
LTD. and BARS, INC.,

Plaintiff,

Case No. 11-12456

v.

BAR'S PRODUCTS, INC.,

Defendant.

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**ORDER REGARDING EMERGENCY MOTION TO ENFORCE AGREEMENT  
TO STAY LITIGATION PENDING SETTLEMENT CONFERENCE, and  
ORDER REGARDING MOTION FOR EXTENSION OF TIME TO FILE A  
REPLY BRIEF  
and  
BRIEFING SCHEDULE AND SETTING HEARING DATE**

This matter is before the Court on Bar's Products International Ltd. and Bar's Inc.'s (together, "Bar's Products International") Emergency Motion to Enforce Agreement to Stay Litigation Pending Settlement Conference. A response and reply have been filed. It is noted the motion was withdrawn, but the Court issues this Order given the argument set forth in the Notice of Withdrawal (parties usually sets forth no arguments in a Notice of Withdrawal of a motion) and

the parties' tone in the papers submitted to the Court.

Bar's Products International sought an order enforcing the agreement between its counsel and counsel for Bar's Products, Inc. to stay the litigation activity in both cases pending a settlement conference between the parties. Bar's Products International did not cite any authority for such a remedy. The claims before the Court do not involve a claim for breach of an agreement between counsel for the parties or any discovery issues between the parties where counsels' correspondences may be relevant to such issues. In this case, both counsel submitted various email exchanges between the parties regarding their purported agreement to stay the matter. It is obvious from the exchanges that the parties are no longer in agreement as to whether the matter should be stayed pending the settlement conference between the parties. Contentious arguments between counsel as to "who said what," especially as to negotiations regarding the briefing schedule and other scheduling matters, do not assist the progression of the case. Pitting co-counsel against one another in writing for the public record, also does not assist the progression of the case. The Court **refers** the parties and counsel to this District's "*Civility Principles*," specifically, the "Attorney's Responsibilities to Other Counsel." The Local Rules provide that an attorney is required to swear or affirm that he or she has read and will abide by the Civility Principles approved by the Court, which is an appendix to the Local Rules. *See* Comment, E.D. Mich. LR 83.20. It is the Court's expectation that all counsel will abide by the "*Civility Principles*."

A Scheduling Order has been issued in both cases, with fact discovery to be completed by March 30, 2012 and a dispositive motion deadline of August 30, 2012. This matter is in the early stages of the litigation, given the parties' representations to the Court regarding the time required for discovery. The Magistrate Judge has issued a settlement conference date in this matter for

January 17, 2012, pursuant to the parties' agreement to have the matter referred to the Magistrate Judge. This settlement conference will go forward as scheduled by the Magistrate Judge. The Court notes that the issue of travel expenses for Bars Products International's counsel was raised at the last hearing before the Court. The Court will set all the pending motions on the same date.

Accordingly,

IT IS ORDERED that the Emergency Motion to Enforce Agreement to Stay Litigation Pending Settlement Conference (*Case No. 10-14321, Doc. No. 52, filed 11/10/2011 and Case No. 11-12456, Doc. No. 17, filed 11/10/2011*) is WITHDRAWN.

IT IS FURTHER ORDERED that the Motion for Extension of Time to File a Reply Brief in (*Case No. 10-14321, Doc. No. 51, filed 11/10/2011*) is GRANTED IN PART and DENIED IN PART. The Reply brief must be filed by **December 9, 2011**. The Motion for Leave to File an Amended Complaint will be submitted on the briefs filed and no hearing will be held.

IT IS FURTHER ORDERED that in **Case No. 11-12456** (Doc. Nos. 14, 16, and 18), the hearing on these three motions are set for: **March 7, 2012, 2:30 p.m.**

Dated: November 30, 2011

s/Denise Page Hood  
DENISE PAGE HOOD  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 30, 2011, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager, (313) 234-5165